

Exhibit M

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

CIVIL ACTION

NO: 2:24-cv-00490-MSD-LRL

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

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June 17, 2025
10:08 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of
Nicholas Laraway, taken by the respective
parties, pursuant to Order, before Larin
Kaywood, a Notary Public for and within the
State of New York.

JOB NO.: 114501

NICHOLAS LARAWAY

June 17, 2025

1 incident or accident reporting procedure,
2 correct?

3 **A. That is my understanding.**

4 Q. Okay. Have you reviewed this
5 before your testimony today?

6 **A. I have in general reviewed it,**
7 **yes.**

8 Q. So the two reporting
9 priorities, first is the master and that's
10 the master of the tug, or master of the
11 vessel, correct?

12 **A. Yes.**

13 Q. "We'll notify the office as
14 soon as practical after a marine casualty."
15 And second bullet, "The master will notify
16 the nearest USCG unit," which I take to
17 mean U.S. Coast Guard unit, "as soon as
18 practical after a marine casualty," right?

19 **A. That's what that says, yes.**

20 Q. Okay. And that's Carver's
21 procedure; isn't it?

22 **A. That is what that says, yes.**

23 Q. All right. And then it appears
24 to actually include the entire text of a
25 few sections of the code of federal

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June 17, 2025

1 regulations as part of the
2 incident/accidents' reporting procedures,
3 right? It doesn't?

4 **A. I'm sorry. No, he --**

5 Q. Oh, he took it away from you?

6 **A. Yes.**

7 MR. RODGERS: Yeah, I did.

8 Just an objection to the extent
9 you're asking him any kind of a legal
10 question or conclusion.

11 Q. So --

12 MR. RODGERS: Could you refer
13 to what you're saying when you say code of
14 federal regulation? What you are pointing
15 to?

16 Q. Yeah. They're on Page 163
17 under the heading "Marine Casualty or
18 Incident." It refers to 46 CFR 4.03-1,
19 correct?

20 **A. Correct.**

21 Q. All right. And on the
22 following pages it refers to further
23 sections of 46 CFR 4.03, 4.05?

24 **A. That is correct.**

25 Q. Yeah. Okay. So Carver's

1 policy is to follow the code of federal
2 regulations?

3 MR. RODGERS: Objection to
4 form.

5 You can answer if you
6 understand the question.

7 **A. Our policy is to follow these**
8 **specific regulations.**

9 Q. Okay. So if you turn to Page
10 164, under the section, "Notice of Marine
11 Casualty 46 CFR 4.05-1," in Section A, it
12 says, "Immediately after addressing
13 resultant safety concerns, the owner,
14 agent, master operator or person in charge
15 shall notify the nearest Sector Office,
16 Marine Inspection Office or Coast Guard
17 Group Office whenever a vessel is involved
18 in a marine casualty consisting in," and
19 it's got a bunch of sub parts, right?

20 **A. It does.**

21 Q. So the first one is "Unintended
22 grounding or unintended strike of (allision
23 with) a bridge," correct?

24 **A. That's correct.**

25 Q. Okay. To Carver's knowledge or

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1 understanding, was the allision with the
2 Norfolk and Portsmouth Belt Line Bridge on
3 June 15th, 2024 unintended?

4 MR. RODGERS: Just what he
5 understood at the time? What they
6 understood at the time or now?

7 Q. I'm asking him whether
8 he -- whether Carver believes that it was
9 unintended?

10 MR. RODGERS: Okay.

11 A. Yes.

12 Q. Okay. You don't have any
13 information to suggest that it was an
14 intended allision, correct?

15 A. Correct.

16 Q. Okay. So in the context of
17 this reporting obligation, did Carver
18 immediately notify any of these Coast Guard
19 designated offices regarding the allision
20 with the Belt Line Bridge?

21 A. Carver referring to myself and
22 the company, or Carver Marine Towing, or
23 anyone?

24 Q. Okay. Well, you are here on
25 behalf of Carver Marine Towing?

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1 **A. Yes.**

2 Q. Or Coeymans doing business as
3 Carver Marine Towing, right?

4 **A. Yes.**

5 Q. So in that capacity, I am
6 asking, did Carver notify any of those
7 Coast Guard offices immediately after the
8 allision?

9 **A. I'm not aware that they did.**

10 Q. Okay. And when is the first
11 time that Carver notified the Coast Guard
12 of the allision?

13 **A. My understanding is that the**
14 **first correspondence with the Coast Guard**
15 **regarding this was days after it happened.**

16 Q. And what is Carver's
17 understanding of the reasons why it did not
18 notify the Coast Guard immediately after
19 the allision?

20 **A. My understanding from preparing**
21 **for this deposition is that the original**
22 **report provided to Lenny was that it was**
23 **strike between the barge and fendering and**
24 **not the bridge structure. It was not until**
25 **days later that the fact that the bridge**

1 focused on the company's policy
2 regarding the use of autopilot. And
3 I just want to be sure that we
4 understand it.

5 Q. And my question is, whether
6 there is any company policy prohibiting the
7 use of the autopilot?

8 A. I would rely on the depositions
9 of Brian and Lenny to speak to the
10 specifics. But based upon reading this,
11 there does not appear to be any prohibition
12 in writing in this document.

13 Q. Are you aware of any
14 prohibition that is somehow not in writing?

15 A. I'm not aware.

16 Q. If you could turn to the
17 section titled 7.1, Bridge Transits. The
18 Bates Number is Carver 000910.

19 This section appears to provide
20 instructions regarding bridge transits by
21 vessels, correct?

22 A. That appears to be correct.

23 Q. And right in the middle of the
24 page, it says, kind of in a call out,
25 yellow or orange-ish color. "Under no